



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331
FACSIMILE: 602-542-7601

June 19, 2008

The Honorable Tim Bee
President
Arizona State Senate
1700 West Washington
Phoenix, AZ 85007

Re: Senate Bill 1053; Elections; Observation; Counting Center

Dear President Bee:


Today I signed Senate Bill 1053, a bill that provides many improvements to the Arizona election process. Although I signed Senate Bill 1053 into law, I am concerned about the bill's changes to A.R.S. §§16-542(A) and 16-545(B), changes that have the potential to shorten the early-voting period.

Early voting in Arizona begins 33 days before the regular primary and general elections. Under current law, counties may open on-site early voting stations when the early voting period begins, giving Arizonans 33 days to vote at satellite locations and/or drop off their early ballots. Counties have up to five days once the early voting period begins to mail early ballots to voters whose requests for early ballots were received before the 26th day prior to the election. Senate Bill 1053 ties the date on-site early voting stations may open to the date early ballots are mailed, potentially shortening the amount of time Arizonans can vote at on-site locations by up to five days.

Given the natural delays inherent in vote-by-mail, any attempt to condense the timeframe for early voting is of concern. For that reason, I am asking the county recorders to collectively compare on-site and vote by mail participation in 2004 and 2006 to the upcoming 2008 primary and general elections to determine if the new timeline established by this legislation results in any decline in early voting. If participation in early voting at on-site locations and/or by mail declines, I call on the Arizona Association of Counties and the County Recorders to work with my office to enact an appropriate amendment.

On the whole, however, the improvements to the elections process provided by Senate Bill 1053 outweigh this single concern. For that reason, I am signing Senate Bill 1053 into law.

Yours very truly,


Janet Napolitano
Governor

cc: The Honorable Jim Weiers
The Honorable Chuck Gray

Conference Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 273

SENATE BILL 1053

AN ACT

TRANSFERRING AND RENUMBERING SECTION 1-261, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, AS SECTION 19-113; TRANSFERRING AND RENUMBERING SECTION 1-305, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 16, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, AS SECTION 16-206; REPEALING THE ARTICLE HEADING OF TITLE 1, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-151, 16-163, 16-166, 16-168, 16-204, 16-206, 16-222 AND 16-246, ARIZONA REVISED STATUTES; REPEALING SECTION 16-246, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 168, SECTION 3; AMENDING SECTIONS 16-321, 16-445, 16-542, 16-543.02, 16-545, 16-558.01, 16-584 AND 16-593, ARIZONA REVISED STATUTES; AMENDING SECTION 16-621, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 295, SECTION 4; REPEALING SECTION 16-621, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 259, SECTION 1; AMENDING SECTIONS 16-804, 16-826, 16-902.01, 16-916, 19-111, 19-121.01, 48-4433 AND 48-4832, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Transfer and renumber

3 A. Section 1-261, Arizona Revised Statutes, is transferred and
4 renumbered for placement in title 19, chapter 1, article 2, Arizona Revised
5 Statutes, as section 19-113.

6 B. Section 1-305, Arizona Revised Statutes, is transferred and
7 renumbered for placement in title 16, chapter 2, article 1, Arizona Revised
8 Statutes, as section 16-206.

9 Sec. 2. Heading repeal

10 The article heading of title 1, chapter 2, article 4, Arizona Revised
11 Statutes, is repealed.

12 Sec. 3. Section 16-151, Arizona Revised Statutes, is amended to read:

13 16-151. Forms for registration supplied by county recorder and
14 secretary of state

15 A. Blank state voter registration forms for registration of electors
16 shall be supplied by the county recorder.

17 B. The secretary of state shall make available for distribution
18 through governmental and private entities the voter registration forms that
19 are prescribed by the ~~federal~~ election ASSISTANCE commission.

20 Sec. 4. Section 16-163, Arizona Revised Statutes, is amended to read:

21 16-163. Assignment of registrations to general county register;
22 exception; notification to elector; filing of
23 registration forms

24 A. The county recorder ~~shall~~, upon receipt of a registration in proper
25 form, SHALL assign the registration record to its proper precinct and
26 alphabetical arrangement in the general county register. The general county
27 register shall be preserved permanently to reflect the registration as of
28 each general election. After the general county register is revised to
29 reflect the valid registrations for the general election, the county recorder
30 shall provide the Arizona state library, archives and public records with a
31 copy of the revised county register.

32 B. After placing the record of registration in the county general
33 register, the county recorder shall notify the elector within thirty days in
34 writing that the elector's name appears in the general register.

35 C. If the notice that is sent is returned undeliverable, the county
36 recorder may send an additional notice as prescribed by section 16-166,
37 subsection A and that notice shall indicate that the elector must respond no
38 later than ~~twenty-nine~~ THIRTY-FIVE days ~~before the election at which the~~
39 ~~elector intends to vote~~ AFTER THE MAILING OF THE NOTICE.

40 D. All current original registration forms shall be filed countywide
41 or by precinct in alphabetical order by surname of elector. All original
42 registration forms canceled, and all original applications for cancellation
43 of registration received since the preceding general election, shall be
44 separately filed and maintained. Computer output microfilm, listings or
45 other electronic format media containing the information from the general

1 county register after each general election shall be provided to the Arizona
2 state library, archives and public records and shall serve to fulfill the
3 requirements of this subsection and section 16-164, subsection A.

4 Sec. 5. Section 16-166, Arizona Revised Statutes, is amended to read:

5 16-166. Verification of registration

6 A. Except for the mailing of sample ballots, a county recorder who
7 mails an item to any elector shall send the mailing by nonforwardable first
8 class mail marked with the statement required by the postmaster to receive an
9 address correction notification. If the item is returned undelivered, the
10 county recorder shall send a follow-up notice to that elector within three
11 weeks of receipt of the returned notice. The county recorder shall send the
12 follow-up notice to the address that appears on the general county register
13 or to the forwarding address provided by the United States postal service.
14 The follow-up notice shall include a registration form and the information
15 prescribed by section 16-131, subsection C and shall state that if the
16 elector does not complete and return a new registration form with current
17 information to the county recorder within thirty-five days, the name of the
18 elector will be removed from the general register and transferred to the
19 inactive voter list.

20 B. If the elector provides the county recorder with a new registration
21 form, the county recorder shall change the general register to reflect the
22 changes indicated on the new registration. If the elector indicates a new
23 residence address outside that county, the county recorder shall forward the
24 voter registration form to the county recorder of the county in which the
25 elector's address is located. If the elector provides a new residence address
26 that is located outside this state, the county recorder shall cancel the
27 elector's registration.

28 C. The county recorder shall maintain on the inactive voter list the
29 names of electors who have been removed from the general register pursuant to
30 subsection A or E of this section for a period of four years or through the
31 date of the second general election for federal office following the date of
32 the notice from the county recorder that is sent pursuant to subsection E of
33 this section.

34 D. On notice that a government agency has changed the name of any
35 street, route number, post office box number or other address designation,
36 the county recorder shall revise the registration records and shall send a
37 new verification of registration notice to the electors whose records were
38 changed.

39 E. The county recorder on or before May 1 of each year preceding a
40 state primary and general election or more frequently as the recorder deems
41 necessary may use the change of address information supplied by the postal
42 service through its licensees to identify registrants whose addresses may
43 have changed. If it appears from information provided by the postal service
44 that a registrant has moved to a different residence address in the same
45 county, the county recorder shall change the registration records to reflect

1 the new address and shall send the registrant a notice of the change by
2 forwardable mail and a postage prepaid preaddressed return form by which the
3 registrant may verify or correct the registration information. If the
4 registrant fails to return the form postmarked not later than ~~twenty-nine~~
5 THIRTY-FIVE days ~~before the next election~~ AFTER THE MAILING OF THE NOTICE,
6 the elector shall be removed from the general register and transferred to the
7 inactive voter list. If the notice sent by the recorder is not returned, the
8 registrant may be required to provide affirmation or confirmation of the
9 registrant's address in order to vote. If the registrant does not vote in an
10 election during the period after the date of the notice from the recorder
11 through the date of the second general election for federal office following
12 the date of that notice, the registrant's name shall be removed from the list
13 of inactive voters. If the registrant has changed residence to a new county,
14 the county recorder shall provide information on how the registrant can
15 continue to be eligible to vote.

16 F. The county recorder shall reject any application for registration
17 that is not accompanied by satisfactory evidence of United States
18 citizenship. Satisfactory evidence of citizenship shall include any of the
19 following:

20 1. The number of the applicant's driver license or nonoperating
21 identification license issued after October 1, 1996 by the department of
22 transportation or the equivalent governmental agency of another state within
23 the United States if the agency indicates on the applicant's driver license
24 or nonoperating identification license that the person has provided
25 satisfactory proof of United States citizenship.

26 2. A legible photocopy of the applicant's birth certificate that
27 verifies citizenship to the satisfaction of the county recorder.

28 3. A legible photocopy of pertinent pages of the applicant's United
29 States passport identifying the applicant and the applicant's passport number
30 or presentation to the county recorder of the applicant's United States
31 passport.

32 4. A presentation to the county recorder of the applicant's United
33 States naturalization documents or the number of the certificate of
34 naturalization. If only the number of the certificate of naturalization is
35 provided, the applicant shall not be included in the registration rolls until
36 the number of the certificate of naturalization is verified with the United
37 States immigration and naturalization service by the county recorder.

38 5. Other documents or methods of proof that are established pursuant
39 to the immigration reform and control act of 1986.

40 6. The applicant's bureau of Indian affairs card number, tribal treaty
41 card number or tribal enrollment number.

42 G. Notwithstanding subsection F of this section, any person who is
43 registered in this state on the effective date of this amendment to this
44 section is deemed to have provided satisfactory evidence of citizenship and

1 shall not be required to resubmit evidence of citizenship unless the person
2 is changing voter registration from one county to another.

3 H. For the purposes of this section, proof of voter registration from
4 another state or county is not satisfactory evidence of citizenship.

5 I. A person who modifies voter registration records with a new
6 residence ballot shall not be required to submit evidence of citizenship.
7 After citizenship has been demonstrated to the county recorder, the person is
8 not required to resubmit satisfactory evidence of citizenship in that county.

9 J. After a person has submitted satisfactory evidence of citizenship,
10 the county recorder shall indicate this information in the person's permanent
11 voter file. After two years the county recorder may destroy all documents
12 that were submitted as evidence of citizenship.

13 Sec. 6. Section 16-168, Arizona Revised Statutes, is amended to read:

14 16-168. Precinct registers; date of preparation; contents;
15 copies; reports; statewide database; violation;
16 classification

17 A. By the tenth day preceding the primary and general elections the
18 county recorder shall prepare from the original registration forms or from
19 electronic media at least four lists that are printed or typed on paper of
20 all qualified electors in each precinct in the county, and the lists shall be
21 the official precinct registers.

22 B. The official precinct registers for use at the polling place shall
23 contain at least the names in full, party preference, date of registration
24 and residence address of each qualified elector in the respective
25 precincts. The names shall be in alphabetical order and, in a column to the
26 left of the names, shall be numbered consecutively beginning with number 1 in
27 each precinct register.

28 C. For the purposes of transmitting voter registration information as
29 prescribed by this subsection, electronic media in counties with a population
30 over five hundred thousand persons in the last decennial census shall be the
31 principal media. A county or state chairman who is eligible to receive
32 copies of precinct lists as prescribed by this subsection may request that
33 the recorder provide a paper copy of the precinct lists. The county
34 recorder, in addition to preparing the official precinct lists, shall provide
35 a means for mechanically or electronically reproducing the precinct lists and
36 unless otherwise agreed shall deliver within eight days after the close of
37 registration for the primary and general elections, without charge, on the
38 same day one electronic media copy of each precinct list within the county to
39 the county chairman and one electronic media copy to the state chairman of
40 each party that has at least four candidates other than presidential electors
41 appearing ~~upon~~ ON the ballot in that county at the current election. The
42 county recorder shall also deliver, ~~upon~~ ON request and without charge, one
43 electronic media copy of the precinct list to the Arizona legislative
44 council. The county recorder of a county with a population of five hundred
45 thousand or fewer persons, on the same day precinct lists are delivered to

1 county chairmen, shall deliver one electronic media copy of each precinct
2 list within the county to the state chairman of each party that has at least
3 four candidates other than presidential electors appearing on the ballot in
4 this state at the current election. The copies of the precinct lists shall
5 be electronic media and shall include for each elector the following
6 information:

- 7 1. Name in full and appropriate title.
- 8 2. Party preference.
- 9 3. Date of registration.
- 10 4. Residence address.
- 11 5. Mailing address, if different from residence address.
- 12 6. Zip code.
- 13 7. Telephone number if given.
- 14 8. Birth year.
- 15 9. Occupation if given.
- 16 10. Voting history for all elections in the prior four years and any
17 other information regarding registered voters ~~which~~ THAT the county recorder
18 or city or town clerk maintains electronically and ~~which~~ THAT is public
19 information.

20 D. The names on the precinct lists shall be in alphabetical order and
21 the precinct lists in their entirety, unless otherwise agreed, shall be
22 delivered to each county chairman and each state chairman within ten business
23 days of the close of each date for counting registered voters prescribed by
24 subsection G of this section other than the primary and general election
25 registered voter counts in the same format and media as prescribed by
26 subsection C of this section. During the thirty-three days immediately
27 preceding an election and on request from a county or state chairman, the
28 county recorder shall provide a daily list of persons who have requested an
29 early ballot and shall provide a weekly listing of persons who have returned
30 their early ballots. The recorder shall provide the daily and weekly
31 information through the third day preceding the election.

32 E. Precinct registers and other lists and information derived from
33 registration forms may be used only for purposes relating to a political or
34 political party activity, a political campaign or an election, for revising
35 election district boundaries or for any other purpose specifically authorized
36 by law and may not be used for a commercial purpose as defined in section
37 39-121.03. The sale of registers, lists and information derived from
38 registration forms to a candidate or a registered political committee for a
39 use specifically authorized by this subsection does not constitute use for a
40 commercial purpose. The county recorder, on a request for an authorized use
41 and within thirty days from receipt of the request, shall prepare additional
42 copies of an official precinct list and furnish them to any person requesting
43 them on payment of a fee equal to five cents for each name appearing on the
44 register for a printed list and ten cents for each name for an electronic

1 data medium, plus the cost of the blank computer disk or computer software if
2 furnished by the recorder, for each copy so furnished.

3 F. Any person in possession of a precinct register or list, in whole
4 or part, or any reproduction of a precinct register or list, shall not permit
5 the register or list to be used, bought, sold or otherwise transferred for
6 any purpose except for uses otherwise authorized by this section. A person
7 in possession of information derived from voter registration forms or
8 precinct registers shall not distribute, post or otherwise provide access to
9 any portion of that information through the internet except as authorized by
10 subsection J- I of this section. Nothing in this section shall preclude
11 public inspection of voter registration records at the office of the county
12 recorder for the purposes prescribed by this section, except that the month
13 and day of birth date, the social security number or any portion thereof, the
14 driver license number or nonoperating identification license number, ~~the~~
15 ~~unique identifying number prescribed by this section,~~ the Indian census
16 number, the father's name or mother's maiden name, the state or country of
17 birth and the records containing a voter's signature shall not be accessible
18 or reproduced by any person other than the voter, by an authorized government
19 official in the scope of the official's duties, for signature verification on
20 petitions and candidate filings, for election purposes and for news gathering
21 purposes by a person engaged in newspaper, radio, television or reportorial
22 work, or connected with or employed by a newspaper, radio or television
23 station or pursuant to a court order. A person who violates this subsection
24 or subsection E of this section is guilty of a class 6 felony.

25 G. The county recorder shall count the registered voters by political
26 party by precinct, legislative district and congressional district as
27 follows:

28 1. In even numbered years, the county recorder shall count all persons
29 who are registered to vote as of:

30 (a) January 1.

31 (b) March 1.

32 (c) June 1.

33 (d) The last day on which a person may register to be eligible to vote
34 in the next primary election.

35 (e) The last day on which a person may register to be eligible to vote
36 in the next general election.

37 (f) The last day on which a person may register to be eligible to vote
38 in the next presidential preference election.

39 2. In odd numbered years, the county recorder shall count all persons
40 who are registered to vote as of:

41 (a) January 1.

42 (b) April 1.

43 (c) July 1.

44 (d) October 1.

1 H. The county recorder shall report the totals to the secretary of
2 state as soon as is practicable following each of the dates prescribed in
3 subsection G of this section. The report shall include completed
4 registration forms returned in accordance with section 16-134, subsection B.
5 The county recorder shall also provide the report in a uniform electronic
6 computer media format that shall be agreed upon between the secretary of
7 state and all county recorders. The secretary of state shall then prepare a
8 summary report for the state and shall maintain that report as a permanent
9 record.

10 I. The county recorder and the secretary of state shall protect access
11 to voter registration information in an auditable format and method specified
12 in the secretary of state's electronic voting system instructions and
13 procedures manual that is adopted pursuant to section 16-452.

14 J. The secretary of state shall develop and administer a statewide
15 database of voter registration information that contains the name and
16 registration information of every registered voter in this state. The
17 database shall include an identifier that is unique for each individual
18 voter. The database shall provide for access by voter registration officials
19 and shall allow expedited entry of voter registration information after it is
20 received by county recorders. As a part of the statewide voter registration
21 database, county recorders shall provide for the electronic transmittal of
22 that information to the secretary of state on a daily basis. The secretary
23 of state shall provide for maintenance of the database, including provisions
24 regarding removal of ineligible voters that are consistent with the national
25 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States
26 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116
27 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions
28 regarding removal of duplicate registrations and provisions to ensure that
29 eligible voters are not removed in error.

30 K. Except as provided in subsection L of this section, for requests
31 for the use of registration forms and access to information as provided in
32 subsections E and F of this section, the county recorder shall receive and
33 respond to requests regarding federal, state and county elections.

34 L. Beginning January 1, 2008, recognized political parties shall
35 request precinct lists and access to information as provided in subsections E
36 and F of this section during the time periods prescribed in subsection C or D
37 of this section and the county recorder shall receive and respond to those
38 requests. If the county recorder does not provide the requested materials
39 within the applicable time prescribed for the county recorder pursuant to
40 subsection C or D of this section, a recognized political party may request
41 that the secretary of state provide precinct lists and access to information
42 as provided in subsections E and F of this section for federal, state and
43 county elections. The secretary of state shall not provide access to
44 precinct lists and information for recognized political parties unless the
45 county recorder has failed or refused to provide the lists and materials as

1 prescribed by this section. The secretary of state may charge the county
2 recorder a fee determined by rule for each name or record produced.

3 M. For municipal registration information in those municipalities in
4 which the county administers the municipal elections, county and state party
5 chairmen shall request and obtain voter registration information and precinct
6 lists from the city or town clerk during the time periods prescribed in
7 subsection C or D of this section. If the city or town clerk does not
8 provide that information within the same time prescribed for county recorders
9 pursuant to subsection C or D of this section, the county or state party
10 chairman may request and obtain the information from the county recorder.
11 The county recorder shall provide the municipal voter registration and
12 precinct lists within the time prescribed in subsection C or D of this
13 section.

14 Sec. 7. Section 16-204, Arizona Revised Statutes, is amended to read:

15 16-204. Declaration of statewide concern: consolidated election
16 dates

17 A. While the legislature recognizes that the method of conducting
18 elections by political subdivisions, including charter counties and cities,
19 may be a matter of local concern, the legislature finds and determines that
20 for the purposes of increasing voter participation and for decreasing the
21 costs to the taxpayers it is a matter of statewide concern that all elections
22 in this state be conducted on a limited number of days and, therefore, the
23 legislature finds and declares that the holding of all elections on certain
24 specific consolidated days is a matter of statewide concern.

25 B. Notwithstanding any other law or any charter or ordinance of any
26 county, city or town to the contrary, an election held for or on behalf of a
27 county, city or town, a school district, a community college district or
28 special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13
29 through 16 and 33 may only be held on the following dates:

30 1. Except for regular elections for candidates in a city or town with
31 a population of one hundred seventy-five thousand or more persons, all
32 elections, including recall elections and special elections to fill
33 vacancies, shall be held on:

34 (a) The second Tuesday in March.

35 (b) The third Tuesday in May.

36 (c) The ~~eighth~~ NINTH Tuesday before the first Tuesday after the first
37 Monday in November.

38 (d) The first Tuesday after the first Monday in November.
39 Notwithstanding any other law, an election must be held on this date for the
40 approval of an obligation or other authorization requiring or authorizing the
41 assessment of secondary property taxes by a county, city, town, school
42 district, community college district or special taxing district, except as
43 provided by title 48.

44 2. For regular elections that are only for candidates in a city or
45 town with a population of one hundred seventy-five thousand or more persons

1 and not including recall elections and special elections to fill vacancies in
2 those cities or towns, elections shall be held on:

3 (a) The ~~eightth~~ NINTH Tuesday before the first Tuesday after the first
4 Monday in November.

5 (b) The first Tuesday after the first Monday in November.

6 C. For any city or town, including a charter city, that holds its
7 regularly scheduled candidate elections in even-numbered years pursuant to
8 subsection B, paragraph 2, the term of office for a member of the city
9 council or for the office of mayor begins on or after the second Tuesday in
10 January in the year following the election.

11 D. This section does not apply to an election regarding a county or
12 city charter committee or county or city charter proposal that is conducted
13 pursuant to article XIII, section 2 or 3 or article XII, section 5,
14 Constitution of Arizona.

15 Sec. 8. Section 16-206, Arizona Revised Statutes, is amended to read:

16 16-206. Election day

17 A. The biennial primary election day on the ~~eightth~~ NINTH Tuesday
18 before the general election and the biennial general election day on the
19 first Tuesday after the first Monday in November of every even-numbered year
20 are not legal holidays.

21 B. Every public officer or employee is entitled to absence from
22 service or employment for the purpose of voting pursuant to section 16-402 on
23 the biennial primary and general election days.

24 Sec. 9. Section 16-222, Arizona Revised Statutes, is amended to read:

25 16-222. Vacancy in the office of United States senator or
26 representative

27 A. When a vacancy occurs in the office of United States senator or
28 representative in Congress by reason of death or resignation, or from any
29 other cause, the vacancy shall be filled at the next general election. At
30 such election the person elected shall fill the unexpired term of the vacated
31 office.

32 B. For a vacancy in the office of representative in Congress, if the
33 next general election is not to be held within six months from the date of
34 the occurrence of the vacancy, the governor shall call a special primary
35 election and a special general election to fill the vacancy. THE GOVERNOR
36 SHALL CALL THE SPECIAL PRIMARY ELECTION AND ESTABLISH ITS DATE WITHIN
37 SEVENTY-TWO HOURS AFTER THE OFFICE IS OFFICIALLY DECLARED VACANT.
38 NOTWITHSTANDING SECTIONS 16-313, 16-351 AND 16-542, FOR A CANDIDATE FOR
39 OFFICE AT AN ELECTION HELD PURSUANT TO THIS SUBSECTION, THE FOLLOWING APPLY:

40 1. The special primary election shall be held no less than
41 ~~seventy-five~~ EIGHTY nor more than ~~one hundred five~~ NINETY days after the
42 occurrence of the vacancy, and the special general election shall be held not
43 less than ~~thirty-five~~ FIFTY nor more than ~~forty-five~~ SIXTY days after the
44 special primary election.

1 2. NOMINATION PAPERS AND NOMINATION PETITIONS SHALL BE FILED NO LATER
2 THAN THIRTY DAYS AFTER THE DATE OF THE PROCLAMATION CALLING THE ELECTION.

3 3. ANY COURT ACTION CHALLENGING THE NOMINATION OF A CANDIDATE SHALL BE
4 FILED NO LATER THAN 5:00 P.M. ON THE FIFTH BUSINESS DAY AFTER THE LAST DAY
5 FOR FILING NOMINATION PAPERS AND PETITIONS.

6 4. THE SUPERIOR COURT SHALL HEAR AND RENDER A DECISION WITHIN FIVE
7 DAYS AFTER THE FILING OF THE ACTION.

8 5. BEGINNING FIFTEEN DAYS BEFORE THE DATE OF THE ELECTION, THE COUNTY
9 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL MAIL EARLY BALLOTS
10 WITHIN FORTY-EIGHT HOURS AFTER RECEIPT OF A COMPLETE AND CORRECT EARLY BALLOT
11 REQUEST FROM PERSONS QUALIFIED TO VOTE.

12 C. For a vacancy in the office of United States senator, the governor
13 shall appoint a person to fill the vacancy. That appointee shall be of the
14 same political party as the person vacating the office and shall serve until
15 the person elected at the next general election is qualified and assumes
16 office.

17 D. FOR A VACANCY IN THE OFFICE OF REPRESENTATIVE IN CONGRESS THAT
18 OCCURS SIMULTANEOUSLY WITH AT LEAST ONE HUNDRED ADDITIONAL VACANCIES IN THE
19 OFFICE OF REPRESENTATIVE IN CONGRESS AS PRESCRIBED BY 2 UNITED STATES CODE
20 SECTION 8, A SPECIAL GENERAL ELECTION TO FILL THE VACANCY IN THIS STATE SHALL
21 BE HELD NO MORE THAN FORTY-NINE DAYS AFTER THE DECLARATION OF THE VACANCY
22 UNLESS A REGULARLY SCHEDULED GENERAL ELECTION OR PREVIOUSLY SCHEDULED SPECIAL
23 GENERAL ELECTION IS HELD WITHIN SEVENTY-FIVE DAYS AFTER THE DECLARATION OF
24 THE VACANCY.

25 Sec. 10. Section 16-246, Arizona Revised Statutes, is amended to read:

26 16-246. Early balloting; satellite locations; additional
27 procedures

28 A. Within ~~ninety~~ NINETY-THREE days ~~preceding the Saturday~~ before the
29 presidential preference election and not later than 5:00 p.m. on the Friday
30 preceding the election, any elector who is eligible to vote in the
31 presidential preference election may make a verbal or signed, written request
32 for an official early ballot to the county recorder or other officer in
33 charge of elections for the county in which the elector is registered to
34 vote. If the request is verbal, the requesting elector shall provide the
35 date of birth and birthplace or other information that if compared to the
36 voter registration records for that elector would confirm the identity of the
37 elector.

38 B. Absent uniformed services voters or overseas voters who are
39 otherwise eligible to vote in the election may vote as prescribed by sections
40 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as
41 prescribed by section 16-543.01 shall be a list of all candidates who have
42 qualified for the presidential preference ballot by the thirty-sixth day
43 before the presidential preference election.

44 C. The county recorder may establish on-site early voting locations at
45 the office of the county recorder or at other locations in the county deemed

1 necessary or appropriate by the recorder. Early voting shall begin
2 twenty-six days before the presidential preference election and shall end on
3 the Friday before the presidential preference election.

4 D. The county recorder shall send by first class mail with the
5 endorsement "do not forward - address correction requested" any early ballots
6 that are requested pursuant to subsections A and B of this section and shall
7 include a preaddressed envelope for the elector to return the completed
8 ballot.

9 E. The county recorder shall provide to each election board an
10 appropriate alphabetized list of voters who have requested and have been sent
11 an early ballot. Any person who is on that list of voters and who was sent
12 an early ballot shall not vote at the polling place for that election
13 precinct except as prescribed by section 16-579, subsection C.

14 F. The county recorder may provide for any of the following in the
15 same manner prescribed by law for other elections:

16 1. Special election boards.

17 2. Emergency balloting for persons who experience an emergency after
18 5:00 p.m. on the Friday preceding the presidential preference election and
19 before 5:00 p.m. on the Monday immediately preceding the presidential
20 preference election.

21 G. Sections 16-550, 16-551 and 16-552 govern the use of early
22 balloting for the presidential preference election.

23 Sec. 11. Repeal

24 Section 16-246, Arizona Revised Statutes, as amended by Laws 2007,
25 chapter 168, section 3, is repealed.

26 Sec. 12. Section 16-321, Arizona Revised Statutes, is amended to read:

27 16-321. Signing and certification of nomination petition

28 A. Each signer of a nomination petition shall sign only one petition
29 for the same office unless more than one candidate is to be elected to such
30 office, and in that case not more than the number of nomination petitions
31 equal to the number of candidates to be elected to the office. A signature
32 shall not be counted on a nomination petition unless the signature is upon a
33 sheet bearing the form prescribed by section 16-314.

34 B. For the purposes of petitions filed pursuant to sections 16-312,
35 16-313, 16-314 and 16-341, each signer of a nomination petition shall be a
36 voter who at the time of signing is a registered voter in the electoral
37 district of the office the candidate is seeking.

38 C. If an elector signs more nomination petitions than permitted by
39 subsection A of this section, the earlier signatures of the elector are
40 deemed valid, as determined by the date of the signature as shown on the
41 petitions. If the signatures by the elector are dated on the same day, all
42 signatures by that elector on that day are deemed invalid. Any signature by
43 that elector on a nomination petition on or after the date of the last
44 otherwise valid signature is deemed invalid and shall not be counted.

1 D. The person before whom the signatures were written on the signature
2 sheet shall be qualified to register to vote in this state pursuant to
3 section 16-101 and shall verify that each of the names on the petition was
4 signed in his presence on the date indicated, and that in his belief each
5 signer was a qualified elector who resides at the address given as the
6 signer's residence on the date indicated and, if for a partisan election,
7 that each signer is a member of the party ~~the nomination of~~ FROM which the
8 candidate ~~whose name appears on the nomination petition~~ is seeking
9 NOMINATION, OR THE SIGNER IS A MEMBER OF A POLITICAL PARTY THAT IS NOT
10 ENTITLED TO CONTINUED REPRESENTATION ON THE BALLOT PURSUANT TO SECTION 16-804
11 OR THE SIGNER IS REGISTERED AS INDEPENDENT OR NO PARTY PREFERRED. The way
12 the name appears on the petition shall be the name used in determining the
13 validity of the name for any legal purpose pursuant to the election laws of
14 this state. Signature and handwriting comparisons may be made.

15 Sec. 13. Section 16-445, Arizona Revised Statutes, is amended to read:

16 16-445. Filing of computer election programs with secretary of
17 state

18 A. For any state, county, school district, special district, city or
19 town election, including primary elections, utilizing vote tabulating devices
20 as provided in this article, there shall be filed with the secretary of state
21 at least ten days before the date of the election a copy of each computer
22 program for each election. The secretary of state shall hold all computer
23 program software filed pursuant to this section in escrow for three years.
24 The secretary of state shall securely destroy the software filed pursuant to
25 this section on the expiration of the three year period.

26 B. A copy of any subsequent revision of the computer program shall be
27 filed in the same manner within forty-eight hours following the revision.

28 C. Any tape or disc used in the programming or operation of a vote
29 tabulating device upon which votes are counted and any tape used in compiling
30 vote totals shall be kept under lock and seal, and if there is a retally of
31 votes, the officer entrusted with the tapes or discs shall submit his
32 affidavit stating that they are the tapes or discs, or both, used in the
33 election and have not been altered.

34 D. All materials submitted to the secretary of state shall be used by
35 the secretary of state or attorney general to preclude fraud or any unlawful
36 act under the laws of this title and title 19 and shall not be disclosed or
37 used for any other purpose.

38 ~~E. Each program tape or disc or any other material submitted to the~~
39 ~~secretary of state shall be returned to the county, city or town within six~~
40 ~~months after the close of the election for which it was submitted except:~~

- 41 1. ~~When a court ordered recount is pending.~~
42 2. ~~When a restraining order is in effect.~~
43 3. ~~When any other legal action is pending.~~

1 Sec. 14. Section 16-542, Arizona Revised Statutes, is amended to read:
2 16-542. Request for ballot

3 A. Within ~~ninety~~ NINETY-THREE days ~~next preceding the Saturday~~ before
4 any election called pursuant to the laws of this state, an elector may make a
5 verbal or signed request to the county recorder, or other officer in charge
6 of elections for the applicable political subdivision of this state in whose
7 jurisdiction the elector is registered to vote, for an official early ballot.
8 In addition to name and address, the requesting elector shall provide the
9 date of birth and state or country of birth or other information that if
10 compared to the voter registration information on file would confirm the
11 identity of the elector. If the request indicates that the elector needs a
12 primary election ballot and a general election ballot, the county recorder or
13 other officer in charge of elections shall honor the request. For any
14 partisan primary election, if the elector is not registered as a member of a
15 political party that is entitled to continued representation on the ballot
16 pursuant to section 16-804, the elector shall designate the ballot of only
17 one of the political parties that is entitled to continued representation on
18 the ballot and the elector may receive and vote the ballot of only that one
19 political party. The county recorder may establish on-site early voting
20 locations at the recorder's office ~~or~~ WHICH SHALL BE OPEN AND AVAILABLE FOR
21 USE BEGINNING THE SAME DAY THAT A COUNTY BEGINS TO SEND OUT THE EARLY
22 BALLOTS. THE COUNTY RECORDER MAY ALSO ESTABLISH any other EARLY VOTING
23 locations in the county the recorder deems necessary.

24 B. Notwithstanding subsection A of this section, a request for an
25 official early ballot from an absent uniformed services voter or overseas
26 voter as defined in the uniformed and overseas citizens absentee voting act
27 of 1986 (P.L. 99-410; 42 United States Code section ~~1973ff~~ 1973ff-6) or a
28 voter whose information is protected pursuant to section 16-153 that is
29 received by the county recorder or other officer in charge of elections more
30 than ~~ninety~~ NINETY-THREE days ~~next preceding the Saturday~~ before the election
31 is valid. If requested by the absent uniformed services or overseas voter,
32 or a voter whose information is protected pursuant to section 16-153, the
33 county recorder or other officer in charge of elections shall provide to the
34 requesting voter early ballot materials through the next two regularly
35 scheduled general elections for federal office immediately following receipt
36 of the request.

37 C. The county recorder or other officer in charge of elections shall
38 mail THE EARLY BALLOT AND THE ENVELOPE FOR ITS RETURN postage prepaid to the
39 address provided by the requesting elector WITHIN FIVE DAYS AFTER RECEIPT OF
40 THE OFFICIAL EARLY BALLOTS FROM THE OFFICER CHARGED BY LAW WITH THE DUTY OF
41 PREPARING BALLOTS PURSUANT TO SECTION 16-545, ~~which address shall be the~~
42 ~~elector's residence address or the location where the elector is temporarily~~
43 ~~residing while absent from the precinct, the early ballot and the envelope~~
44 ~~for its return within five days after receipt of the official early ballots~~
45 ~~from the officer charged by law with the duty of preparing ballots pursuant~~

~~to section 16-545. If a statewide voter registration database is not yet operational and if the requesting elector registered to vote for the first time in this state after January 1, 2003 and has not yet voted in this state or is reregistering after January 1, 2003 after moving from one county in this state to another county in this state and is voting for the first time at the new registration address, the early ballot materials shall include notice that the person shall submit a photocopy of a current form of identification that bears a photograph of the person and the name of the person or a photocopy of a current utility bill, bank statement, paycheck, government issued check or other government document that shows the name and registration address of the person and notice that if the person does not submit photocopies of the required documents, the person may only vote a provisional ballot.~~

D. Only the elector may be in possession of that elector's unvoted early ballot. If a complete and correct request is made by the elector within ~~twenty-three~~ TWENTY-SIX days next preceding the Saturday before the election, the mailing must be made within forty-eight hours after receipt of the request. Saturdays, Sundays and other legal holidays are excluded from the computation of the forty-eight hour period prescribed by this subsection. If a complete and correct request is made by an absent uniformed services voter or an overseas voter before the election, the regular early ballot shall be transmitted by mail, by fax or by other electronic format approved by the secretary of state within twenty-four hours after the early ballots are delivered pursuant to section 16-545, subsection B, excluding Sundays.

E. In order to be complete and correct and to receive an early ballot by mail, an elector's request that an early ballot be mailed to the elector's residence or temporary address must include all of the information prescribed by subsection A of this section and must be received by the county recorder or other officer in charge of elections no later than 5:00 p.m. on the eleventh day preceding the election. An elector who appears personally no later than 5:00 p.m. on the Friday preceding the election at an on-site early voting location that is established by the county recorder or other officer in charge of elections shall be given a ballot and permitted to vote at the on-site location. If an elector's request to receive an early ballot is not complete and correct but complies with all other requirements of this section, the county recorder or other officer in charge of elections shall attempt to notify the elector of the deficiency of the request.

F. Unless an elector specifies that the address to which an early ballot is to be sent is a temporary address, the recorder may use the information from an early ballot request form to update voter registration records.

G. The county recorder or other officer in charge of early balloting shall provide an alphabetized list of all voters in the precinct who have requested and have been sent an early ballot to the election board of the

1 precinct in which the voter is registered not later than the day prior to the
2 election.

3 H. As a result of an emergency occurring between 5:00 p.m. on the
4 second Friday preceding the election and 5:00 p.m. on the Monday preceding
5 the election, qualified electors may request to vote early in the manner
6 prescribed by the county recorder of their respective county. For the
7 purposes of this subsection, "emergency" means any unforeseen circumstances
8 that would prevent the elector from voting at the polls.

9 I. A candidate or political committee may distribute early ballot
10 request forms to voters. If the early ballot request forms include a printed
11 address for return to an addressee other than a political subdivision, the
12 addressee shall be the candidate or political committee that paid for the
13 printing and distribution of the request forms. All early ballot request
14 forms that are received by a candidate or political committee shall be
15 transmitted as soon as practicable to the political subdivision that will
16 conduct the election.

17 Sec. 15. Section 16-543.02, Arizona Revised Statutes, is amended to
18 read:

19 16-543.02. Federal write-in early ballots; procedure;
20 registration form

21 A. An overseas voter as defined in the uniformed and overseas citizens
22 absentee voting act of 1986 (P.L. 99-410; 42 United States Code section ~~1973~~
23 1973ff-6), as amended by the Ronald W. Reagan national defense authorization
24 act for fiscal year 2005 (P.L. 108-375), who is absent from the place of
25 residence in this state where the voter is otherwise qualified to vote may
26 use a federal write-in early ballot in a primary, general or special election
27 for the offices of presidential elector and United States senator and
28 representative in Congress if the voter applies for an early ballot by 7:00
29 p.m. on election day and does not receive that early ballot.

30 B. A federal write-in early ballot of an overseas voter shall not be
31 counted if either of the following conditions are IS met:

32 1. The application of the overseas voter for an early ballot is
33 received by the county recorder or other officer in charge of elections after
34 7:00 p.m. on election day.

35 2. An early ballot from the overseas voter is received by the county
36 recorder or other officer in charge of elections by 7:00 p.m. on election
37 day.

38 C. An overseas voter who completes a federal write-in early ballot may
39 designate a candidate by writing in the name of the candidate or by writing
40 in the name of a political party, in which case the ballot shall be counted
41 for the candidate of that political party. In the case of the offices of
42 president and vice-president, a vote for a named candidate or in the name of
43 the political party shall be counted as a vote for that candidate's or
44 party's presidential electors. Any abbreviation, misspelling or other minor
45 variation in the form of the name of a candidate or political party shall be

1 disregarded in determining the validity of the ballot if the intention of the
2 voter can be ascertained.

3 D. For an overseas voter who completes a federal write-in early ballot
4 transmission envelope with the federal write-in early ballot request, the
5 transmission envelope shall serve as a voter registration form and the voter
6 is registered to vote on completion and receipt of the transmission envelope
7 and the federal write-in early ballot if all of the following apply:

8 1. The information submitted on the transmission envelope includes the
9 information prescribed in section 16-121.01.

10 2. The voter is otherwise eligible to register and vote in this state.

11 3. The request is received by the county recorder by 7:00 p.m. on
12 election day. FOR ANY REQUEST RECEIVED AFTER 7:00 P.M. ON ELECTION DAY, AN
13 OTHERWISE VALID TRANSMISSION ENVELOPE CONSTITUTES A VOTER REGISTRATION FORM
14 THAT IS VALID FOR ANY SUBSEQUENT ELECTION.

15 Sec. 16. Section 16-545, Arizona Revised Statutes, is amended to read:

16 16-545. Early ballot

17 A. The early ballot shall be one prepared for use in the precinct in
18 which the applicant resides and, if a partisan primary election, of the
19 political party with which the applicant is affiliated as shown by the
20 affidavit of registration. The ballot shall be identical with the regular
21 official ballots, except that it shall have printed or stamped on it "early".

22 B. The officer charged by law with the duty of preparing ballots at
23 any election shall prepare the official early ballot and deliver a sufficient
24 number to the recorder or other officer in charge of elections not later than
25 the ~~thirtieth~~ THIRTY-THIRD day ~~preceding the Saturday~~ before the election.
26 EXCEPT AS PROVIDED IN SECTION 16-542, SUBSECTION D, REGULAR EARLY BALLOTS
27 SHALL NOT BE DISTRIBUTED TO THE GENERAL PUBLIC BEFORE THE BEGINNING OF EARLY
28 VOTING.

29 Sec. 17. Section 16-558.01, Arizona Revised Statutes, is amended to
30 read:

31 16-558.01. Mailing of ballots

32 Not more than thirty-three days before the election and not fewer than
33 fifteen days before the election the county recorder or other officer in
34 charge of elections for the special district shall send by ~~first-class~~
35 NONFORWARDABLE mail all official ballots with printed instructions and a
36 return envelope bearing a printed ballot affidavit as described in section
37 16-547 to each qualified elector entitled to vote in the election. The
38 envelope in which the ballot is mailed shall be clearly marked "~~Do not~~
39 ~~forward. Return to sender. Return postage guaranteed. Address correction~~
40 ~~requested.~~" WITH THE STATEMENT REQUIRED BY THE POSTMASTER TO RECEIVE AN
41 ADDRESS CORRECTION AND NOTIFICATION. The district governing board shall
42 determine whether the voter or the district governing board will pay for the
43 postage for the return of electors' marked ballots. An elector who votes in
44 a special district mail ballot election shall return the elector's marked
45 ballot to the recorder or other officer in charge of the election or to a

1 designated depository site as provided in section 16-411 no later than 7:00
2 p.m. on the day of the election.

3 Sec. 18. Section 16-584, Arizona Revised Statutes, is amended to read:

4 16-584. Qualified elector not on precinct register; recorder's
5 certificate; verified ballot; procedure

6 A. A qualified elector whose name is not on the precinct register and
7 who presents a certificate from the county recorder showing that the elector
8 is entitled by law to vote in the precinct shall be entered on the signature
9 roster on the blank following the last printed name and shall be given the
10 next consecutive register number, and the qualified elector shall sign in the
11 space provided.

12 B. A qualified elector whose name is not on the precinct register,
13 upon presentation of identification verifying the identity of the elector
14 that includes the voter's given name and surname and the complete residence
15 address that is verified by the election board to be in the precinct or on
16 signing an affirmation that states that the elector is a registered voter in
17 that jurisdiction and is eligible to vote in that jurisdiction, shall be
18 allowed to vote a provisional ballot.

19 C. If a voter has moved to a new address within the county and has not
20 notified the county recorder of the change of address before the date of an
21 election, the voter shall be permitted to correct the voting records for
22 purposes of voting in future elections at the appropriate polling place for
23 the voter's new address. The voter shall be permitted to vote a provisional
24 ballot. The voter shall present a form of identification that includes the
25 voter's given name and surname and the voter's complete residence address.
26 The residence address must be within the precinct in which the voter is
27 attempting to vote, and the voter shall affirm in writing that the voter is
28 registered in that jurisdiction and is eligible to vote in that jurisdiction.

29 D. On completion of the ballot, the election official shall remove the
30 ballot stub, shall place the ballot in a provisional ballot envelope and
31 shall deposit the envelope in the ballot box. Within ten calendar days after
32 a general election that includes an election for a federal office and within
33 five business days after any other election or no later than the time at
34 which challenged early voting ballots are resolved, the signature shall be
35 compared to the precinct signature roster of the former precinct where the
36 voter was registered. If the voter's name is not signed on the roster and if
37 there is no indication that the voter voted an early ballot, the provisional
38 ballot envelope shall be opened and the ballot shall be counted. If there is
39 information showing the person did vote, the provisional ballot shall remain
40 unopened and shall not be counted. When provisional ballots are confirmed
41 for counting, the county recorder shall use the information supplied on the
42 provisional ballot envelope to correct the address record of the voter.

43 E. When a voter is allowed to vote a provisional ballot, the elector's
44 name shall be entered on a separate signature roster page at the end of the
45 signature roster. Voters' names shall be numbered consecutively beginning

1 with the number V-1. The elector shall sign in the space provided. The
2 ballot stub shall be removed and the ballot shall be placed in a separate
3 envelope, the outside of which shall contain the precinct name or number, a
4 sworn or attested statement of the elector that the elector resides in the
5 precinct, is eligible to vote in the election and has not previously voted in
6 the election, the signature of the elector and the voter registration number
7 of the elector, if available. The ballot shall be verified for proper
8 registration of the elector by the county recorder before being counted. The
9 verification shall be made by the county recorder WITHIN TEN CALENDAR DAYS
10 AFTER A GENERAL ELECTION THAT INCLUDES AN ELECTION FOR A FEDERAL OFFICE AND
11 within five business days following the ANY OTHER election, and the voter
12 receipt card, notification or identification card, if any, from the county
13 recorder used therefor, if valid, shall be returned to the elector within a
14 reasonable time thereafter. Verified ballots shall be counted by depositing
15 the ballot in the ballot box and showing on the records of the election that
16 the elector has voted. If registration is not verified the ballot shall
17 remain unopened and shall be retained in the same manner as voted ballots.

18 F. For any person who votes a provisional ballot, the county recorder
19 or other officer in charge of elections shall provide for a method of
20 notifying the provisional ballot voter at no cost to the voter whether the
21 voter's ballot was verified and counted and, if not counted, the reason for
22 not counting the ballot. The notification may be in the form of notice by
23 mail to the voter, establishment of a toll free telephone number, internet
24 access or other similar method to allow the voter to have access to this
25 information. The method of notification shall provide reasonable
26 restrictions that are designed to limit transmittal of the information only
27 to the voter.

28 Sec. 19. Section 16-593, Arizona Revised Statutes, is amended to read:

29 16-593. Rules determining residence of voter upon challenge;
30 reading of rules upon request

31 A. The election board, in determining the place of residence of a
32 person, shall be governed by the following rules, so far as applicable:

33 1. The residence of a person is that place in which his habitation is
34 fixed and to which he has the intention of returning when absent.

35 2. A person does not gain or lose his residence by reason of his
36 presence at or absence from a place while employed in the service of the
37 United States or of this state, or while engaged in navigation, or while a
38 student at an institution of learning or while kept in an almshouse, asylum
39 or prison.

40 3. A person does not lose his residence by leaving his home to go to
41 another county, state or foreign country for merely temporary purposes, with
42 the intention of returning.

43 4. A person does not gain a residence in any county into which he
44 comes for merely temporary purposes, without the intention of making that
45 county his home.

1 5. If a person removes to another state with the intention of making
2 it his residence, he loses his residence in this state.

3 6. If a person removes to another state with the intention of
4 remaining there for an indefinite time, and of making the place his present
5 residence, he loses his residence in this state, even though he has an
6 intention of returning at some future period.

7 7. The place where a person's family permanently resides is his
8 residence, unless he is separated from his family, but if it is a place of
9 temporary establishment for his family, or for transient purposes, it is
10 otherwise.

11 8. If a person has a family residing in one place and he does business
12 in another, the former is his place of residence, but a person having a
13 family who has taken up his abode with the intention of remaining and whose
14 family does not so reside with him shall be regarded as a resident where his
15 abode has been taken.

16 9. A UNITED STATES CITIZEN WHO HAS NEVER RESIDED IN THE UNITED STATES
17 IS ELIGIBLE TO VOTE IN THIS STATE BY USING A FEDERAL WRITE-IN EARLY BALLOT AS
18 PRESCRIBED IN SECTIONS 16-103 AND 16-543.02 IF BOTH OF THE FOLLOWING APPLY:

19 (a) A PARENT IS A UNITED STATES CITIZEN.

20 (b) THE PARENT IS REGISTERED TO VOTE IN THIS STATE.

21 ~~9-~~ 10. The mere intention of acquiring a new residence without the
22 act of removal avails nothing and neither does the act of removal without the
23 intention.

24 B. The term of residence shall be computed by including the day on
25 which the person's residence commenced and by excluding the day of election.

26 C. Before administering an oath to a person touching his residence,
27 the inspector ~~shall~~, if requested by any person, SHALL read to the person
28 challenged the rules set forth in subsection A OF THIS SECTION.

29 Sec. 20. Section 16-621, Arizona Revised Statutes, as amended by Laws
30 2007, chapter 295, section 4, is amended to read:

31 16-621. Proceedings at the counting center

32 A. All proceedings at the counting center shall be under the direction
33 of the board of supervisors or other officer in charge of elections and shall
34 be conducted in accordance with the approved instructions and procedures
35 manual provided for in section 16-452 under the observation of
36 representatives of each political party AND THE PUBLIC. THE PROCEEDINGS AT
37 THE COUNTING CENTER MAY ALSO BE OBSERVED BY UP TO THREE ADDITIONAL PEOPLE
38 REPRESENTING A CANDIDATE FOR NONPARTISAN OFFICE, OR REPRESENTING A POLITICAL
39 COMMITTEE IN SUPPORT OF OR IN OPPOSITION TO A BALLOT MEASURE, PROPOSITION OR
40 QUESTION. ~~and the public, but~~ A DRAW BY LOT SHALL DETERMINE WHICH THREE
41 GROUPS OR CANDIDATES SHALL HAVE REPRESENTATIVES PARTICIPATE IN THE
42 OBSERVATION AT THE COUNTING CENTER. PERSONS REPRESENTING A CANDIDATE FOR
43 NONPARTISAN OFFICE OR PERSONS OR GROUPS REPRESENTING A POLITICAL COMMITTEE IN
44 SUPPORT OF OR IN OPPOSITION TO A BALLOT MEASURE, PROPOSITION OR QUESTION, WHO
45 ARE INTERESTED IN PARTICIPATING IN THE OBSERVATION, SHALL NOTIFY THE OFFICER

1 IN CHARGE OF ELECTIONS OF THEIR DESIRE TO BE INCLUDED IN THE DRAW NO LATER
2 THAN TEN DAYS BEFORE THE ELECTION. AFTER THE DEADLINE TO RECEIVE SUBMISSIONS
3 FROM THE INTERESTED PERSONS OR GROUPS, BUT PRIOR TO SEVEN DAYS BEFORE THE
4 ELECTION, THE COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL DRAW BY LOT, FROM
5 THE LIST OF THOSE WHO EXPRESSED INTEREST, THREE PERSONS OR GROUPS AND THOSE
6 SELECTED SHALL BE NOTIFIED AND ALLOWED TO OBSERVE THE PROCEEDINGS AT THE
7 COUNTING CENTER. IF A GROUP IS SELECTED THEY MAY ALTER WHO REPRESENTS THAT
8 GROUP FOR DIFFERENT DAYS OF OBSERVATION BUT ON ANY GIVEN OBSERVATION DAY A
9 SELECTED GROUP SHALL NOT SEND MORE THAN ONE OBSERVER. A GROUP MAY ROTATE AN
10 OBSERVER THROUGHOUT THE DAY. No persons except those authorized for the
11 purpose shall touch any ballot or ballot card or return. All persons who are
12 engaged in processing and counting of the ballots shall be qualified
13 electors, shall be deputized in writing and SHALL take an oath that they will
14 faithfully perform their assigned duties. There shall be no preferential
15 counting of ballots for the purpose of projecting the outcome of the
16 election. If any ballot is damaged or defective so that it cannot properly
17 be counted by the automatic tabulating equipment, a true duplicate copy shall
18 be made of the damaged ballot in the presence of witnesses and substituted
19 for the damaged ballot. All duplicate ballots shall be clearly labeled
20 "duplicate" and shall bear a serial number which shall be recorded on the
21 damaged or defective ballot.

22 B. If for any reason it becomes impracticable to count all or a part
23 of the ballots with tabulating equipment, the officer in charge of elections
24 may direct that they be counted manually, following as far as practicable the
25 provisions governing the counting of paper ballots.

26 C. For any statewide, county or legislative election, the county
27 recorder or officer in charge of elections shall provide for a live video
28 recording of the custody of all ballots while the ballots are present in a
29 tabulation room in the counting center. The live video recording shall
30 include date and time indicators and shall be linked to the secretary of
31 state's website. The secretary of state shall post links to the video
32 coverage for viewing by the public. The county recorder or officer in charge
33 of elections shall record the video coverage of the ballots at the counting
34 center and shall retain those recordings as a public record for at least as
35 long as the challenge period for the general election. If the live video
36 feed is disrupted or disabled, the recorder or officer in charge of elections
37 is not liable for the disruption but shall attempt to reinstate video
38 coverage as soon as is practicable. Any disruption in video coverage shall
39 not affect or prevent the continued tabulation of ballots. This paragraph
40 SUBSECTION is contingent on legislative appropriation.

41 Sec. 21. Repeal

42 Section 16-621, Arizona Revised Statutes, as amended by Laws 2007,
43 chapter 259, section 1, is repealed.

1 Sec. 22. Section 16-804, Arizona Revised Statutes, is amended to read:

2 16-804. Continued representation on basis of votes cast at last
3 preceding general election or registered electors

4 A. A political organization that at the last preceding general
5 election cast for governor or presidential electors or for county attorney or
6 for mayor, whichever applies, not less than five per cent of the total votes
7 cast for governor or presidential electors, in the state or in such county,
8 city or town, is entitled to representation as a political party on the
9 official ballot for state officers or for officers of such county or local
10 subdivision.

11 B. In lieu of subsection A, a political organization is entitled to
12 continued representation as a political party on the official ballot for
13 state, county, city or town officers if, on November 1 of the year
14 immediately preceding the year in which the general election for state or
15 county officers and for city or town officers one hundred fifty-five days
16 immediately preceding the primary election in such jurisdiction, such party
17 has registered electors in the party equal to at least two-thirds of one per
18 cent of the total registered electors in such jurisdiction.

19 C. The secretary of state shall determine the political parties
20 qualified for continued representation on the state ballot pursuant to this
21 section by February 1 of the appropriate year. Each county recorder shall
22 furnish to the secretary of state such information as the secretary of state
23 may require no later than ~~January 15~~ NOVEMBER 30 of ~~such~~ THE PRECEDING year.

24 D. Each county recorder shall determine the political parties
25 qualified for the county ballot pursuant to this section by February 1 of the
26 appropriate year.

27 E. Each city or town clerk of a city or town providing for partisan
28 elections shall determine the political parties qualified for such city or
29 town ballot pursuant to this section one hundred forty days before the
30 primary election.

31 Sec. 23. Section 16-826, Arizona Revised Statutes, is amended to read:

32 16-826. Meeting, organization and officers of state committee

33 A. The state committee shall meet ~~in the city where the state capitol~~
34 ~~is located~~ no earlier than ten days after the last county meeting of the
35 party and in any event no later than the fourth Saturday in January following
36 a general election and organize by electing from its membership a chairman, a
37 secretary and a treasurer.

38 B. The chairman of the state committee shall cause notice of the time
39 and place of ~~such~~ THE meeting to be mailed to each state committeeman at
40 least ten days ~~prior to~~ BEFORE the date of ~~such~~ THE meeting.

1 Sec. 24. Section 16-902.01, Arizona Revised Statutes, is amended to
2 read:

3 16-902.01. Registration of political committees; contents;
4 amendment

5 A. Each political committee that intends to accept contributions or
6 make expenditures of more than five hundred dollars shall file a statement of
7 organization with the filing officer before accepting contributions, making
8 expenditures, distributing any campaign literature or circulating petitions.
9 Each political committee that intends to accept contributions or make
10 expenditures of five hundred dollars or less shall file a signed exemption
11 statement in a form prescribed by the filing officer that states that
12 intention before making any expenditures, accepting any contributions,
13 distributing any campaign literature or circulating petitions. If a
14 political committee that has filed a five hundred dollar threshold exemption
15 statement receives contributions or makes expenditures of more than five
16 hundred dollars, that political committee shall file a statement of
17 organization with the filing officer within five business days after
18 exceeding the five hundred dollar limit.

19 B. The statement of organization of a political committee shall
20 include all of the following:

- 21 1. The name, address and type of committee.
- 22 2. The name, address, relationship and type of any sponsoring
23 organization.
- 24 3. The names, addresses, telephone numbers, occupations and employers
25 of the chairman and treasurer of the committee.
- 26 4. In the case of a candidate's campaign committee, the name, address,
27 office sought and party affiliation of the candidate.
- 28 5. A listing of all banks, safety deposit boxes or other depositories
29 used by the committee.

30 C. Except as prescribed by subsection E OF THIS SECTION, on the filing
31 of a statement of organization, a political committee shall be issued an
32 identification number.

33 D. The political committee shall file an amended statement of
34 organization reporting any change in the information prescribed in subsection
35 B OF THIS SECTION within five business days after the change.

36 E. A standing political committee shall file a statement of
37 organization with the secretary of state and in each jurisdiction in which
38 the committee is active, and only the secretary of state shall issue an
39 identification number for the committee. The statement of organization shall
40 include a statement with the notarized signature of the chairman or treasurer
41 of the standing political committee that declares the committee's status as a
42 standing political committee. The secretary of state may charge an annual
43 fee for the filing.

44 F. For a political committee that makes expenditures in an attempt to
45 influence the results of a ballot proposition election, the statement of

1 organization shall include in the name of the political committee THE
2 OFFICIAL SERIAL NUMBER FOR THE PETITION AND a statement as to whether the
3 political committee supports or opposes the passage of the ballot measure.
4 ~~Within five days after receipt of an official serial number for the petition,~~
5 ~~the political committee shall file an amended statement of organization that~~
6 ~~contains the official serial number for the petition.~~ ON COMPLETION OF THE
7 DESIGNATION OF STATEWIDE BALLOT PROPOSITIONS BY NUMBER AS PRESCRIBED IN
8 SECTION 19-125, THE SECRETARY OF STATE IS AUTHORIZED AND SHALL AMEND THE NAME
9 OF THE POLITICAL COMMITTEE BY ATTACHING TO THE STATEMENT OF ORGANIZATION THE
10 BALLOT PROPOSITION NUMBER AS A SUBSTITUTE FOR THE OFFICIAL SERIAL NUMBER IN
11 THE NAME OF THE POLITICAL COMMITTEE. THE SECRETARY OF STATE SHALL PROMPTLY
12 NOTIFY THE POLITICAL COMMITTEE OF THE AMENDED POLITICAL COMMITTEE NAME AND
13 SHALL MAKE THAT INFORMATION AVAILABLE TO THE PUBLIC.

14 Sec. 25. Section 16-916, Arizona Revised Statutes, is amended to read:

15 16-916. Filing statements of contributions and expenditures;

16 public inspection

17 A. Except as provided in subsection B of this section, the statements,
18 designations and reports required to be filed pursuant to this article shall
19 be filed as follows:

20 1. In the office of the secretary of state for political committees
21 supporting or opposing the recall of a public officer elected statewide or to
22 the legislature, supporting the circulation of petitions for ballot measures,
23 questions and propositions appearing on a state general election ballot or
24 recall of public officials elected statewide or to the legislature or
25 supporting or opposing candidates for state offices and members of the
26 legislature, for justices of the supreme court, for judges of the court of
27 appeals and for a statewide initiative or referendum or any measure or
28 proposition appearing on a state general election ballot.

29 2. With the county officer in charge of elections for political
30 committees supporting or opposing the recall of public officers elected to
31 county offices, school district governing boards, community college district
32 governing boards or judges of the superior court, supporting the circulation
33 of petitions for ballot measures, questions and propositions appearing on a
34 county election ballot or for the recall of a public officer elected to
35 county offices, school district governing boards, community college district
36 governing boards or judges of the superior court or supporting or opposing
37 candidates for county offices, school district governing board members or
38 ballot questions, community college district governing board members or
39 ballot questions, judges of the superior court seeking retention, special
40 taxing districts and a county initiative or referendum or any measure or
41 proposition appearing on a county election ballot.

42 3. With the city or town clerk for political committees supporting or
43 opposing the recall of public officers elected to city or town offices,
44 supporting the circulation of petitions for ballot measures, questions and
45 propositions appearing on a city or town election ballot or recall of public

1 officers elected for city or town offices or supporting or opposing
2 candidates for city or town offices and for a city or town initiative or
3 referendum or any measure or proposition appearing on a city or town election
4 ballot.

5 B. An original and one copy of the reports required pursuant to
6 section 16-913 for the office of member of the legislature shall be filed
7 ~~with either the officer in charge of elections of the county of the~~
8 ~~candidate's residence or with the secretary of state. If the candidate files~~
9 ~~with the officer in charge of elections, the officer shall transmit the copy~~
10 ~~to the secretary of state within five days, excluding Saturdays, Sundays and~~
11 ~~other legal holidays. If the candidate files with the secretary of state,~~
12 ~~the secretary of state shall transmit the copy to the officer in charge of~~
13 ~~elections of the county of the candidate's residence within five days,~~
14 ~~excluding Saturdays, Sundays and other legal holidays.~~ The secretary of
15 state may provide through the procedures manual adopted pursuant to section
16 16-452 for an alternative method for providing public access to the reports
17 prescribed by this section.

18 C. For all statements, designations and reports, the date of filing is
19 the date of actual receipt by the officer with whom the document is required
20 to be filed except as follows:

21 1. For documents filed by certified mail with a United States mail
22 postmark, the date of mailing constitutes the date of filing.

23 2. For documents filed by commercial delivery services that provide a
24 standardized delivery confirmation process, the date of delivery confirmation
25 constitutes the date of filing.

26 3. For documents filed by commercial delivery services that provide
27 for electronic tracking of specific delivery packages, the date of electronic
28 confirmation of delivery constitutes the date of filing.

29 D. If the date for filing any statement, designation or report
30 required by this article is a Saturday, a Sunday or another legal holiday,
31 the filing deadline is the next day that is not a Saturday, a Sunday or
32 another legal holiday.

33 Sec. 26. Section 19-111, Arizona Revised Statutes, is amended to read:
34 19-111. Number for petition

35 A. A person or organization intending to propose a law or
36 constitutional amendment by initiative petition or to file a referendum
37 petition against a measure, item, section or part of a measure shall, before
38 causing the petition to be printed and circulated, SHALL file with the
39 secretary of state an application, on a form to be provided by the secretary
40 of state, setting forth his name or, if an organization, its name and the
41 names and titles of its officers, address, his intention to circulate and
42 file a petition, a description of no more than one hundred words of the
43 principal provisions of the proposed law, constitutional amendment or measure
44 and the text of the proposed law, constitutional amendment or measure to be
45 initiated or referred in no less than eight point type, and applying for

1 issuance of an official serial number. AT THE SAME TIME AS THE PERSON OR
2 ORGANIZATION FILES ITS APPLICATION, THE PERSON OR ORGANIZATION SHALL FILE
3 WITH THE SECRETARY OF STATE ITS STATEMENT OF ORGANIZATION OR ITS SIGNED
4 EXEMPTION STATEMENT AS PRESCRIBED BY SECTION 16-902.01. THE SECRETARY OF
5 STATE SHALL NOT ACCEPT AN APPLICATION FOR INITIATIVE OR REFERENDUM WITHOUT AN
6 ACCOMPANYING STATEMENT OF ORGANIZATION OR SIGNED EXEMPTION STATEMENT AS
7 PRESCRIBED BY THIS SUBSECTION.

8 B. On receipt of the application, the secretary of state shall assign
9 an official serial number to the petition, which number shall appear in the
10 lower right-hand corner of each side of each copy thereof, and issue that
11 number to the applicant. Numbers shall be assigned to petitions by the
12 secretary of state in numerical sequence, and a record shall be maintained in
13 his office of each application received and of the numbers assigned and
14 issued to the applicant.

15 C. The secretary of state shall print in pamphlet form and shall
16 furnish to each applicant, at the time the application is submitted, a copy
17 of the text of this article governing the initiative and referendum and all
18 rules adopted by the secretary of state pursuant to this title. In addition,
19 the secretary of state shall at this time furnish the applicant with a
20 statement of organization form and a notice stating: "This statement must be
21 filed before valid signatures can be collected." The secretary of state
22 shall furnish a sufficient supply of these pamphlets to the county, city and
23 town clerks who shall similarly furnish the pamphlet to each applicant.

24 D. The eight point type required by subsection A OF THIS SECTION shall
25 not apply to maps, charts or other graphics.

26 Sec. 27. Section 19-121.01, Arizona Revised Statutes, is amended to
27 read:

28 19-121.01. Secretary of state; removal of petition and
29 ineligible signatures; facsimile sheets; random
30 sample

31 A. Within fifteen days, excluding Saturdays, Sundays and other legal
32 holidays, of the date of filing of an initiative or referendum petition and
33 issuance of the receipt, the secretary of state shall:

34 1. Remove the following:

35 (a) Those sheets not attached to a copy of the title and text of the
36 measure.

37 (b) The copy of the title and text from the remaining petition sheets.

38 (c) Those sheets not bearing the petition serial number in the lower
39 right-hand corner of each side.

40 (d) Those sheets containing a circulator's affidavit that is not
41 completed or signed.

42 (e) Those sheets on which the affidavit of the circulator is not
43 notarized, the notary's signature is missing, the notary's commission has
44 expired or the notary's seal is not affixed.

1 (f) Those sheets on which the signatures of the circulator or the
2 notary are dated earlier than the dates on which the electors signed the face
3 of the petition sheet.

4 2. After completing the steps in paragraph 1 of this subsection,
5 review each sheet to determine the county of the majority of the signers and
6 shall:

7 (a) Place a three or four letter abbreviation designating that county
8 in the upper right-hand corner of the face of the petition.

9 (b) Remove all signatures of those not in the county of the majority
10 on each sheet by marking an "SS" in red ink in the margin to the right of the
11 signature line.

12 (c) Cause all signature sheets to be grouped together by county of
13 registration of the majority of those signing and attach them to one or more
14 copies of the title and text of the measure. If the sheets are too bulky for
15 convenient grouping by the secretary of state in one volume by county, they
16 may be bound in two or more volumes with those in each volume attached to a
17 single printed copy of the measure. The remaining detached copies of the
18 title and text of the measure shall be delivered to the applicant.

19 3. After completing the steps in paragraph 2 of this subsection,
20 remove the following signatures that are not eligible for verification by
21 marking an "SS" in red ink in the margin to the right of the signature line:

22 (a) If the signature of the qualified elector is missing.

23 (b) If the residence address or the description of residence location
24 is missing.

25 (c) If the date on which the petitioner signed is missing.

26 (d) Signatures in excess of the fifteen signatures permitted per
27 petition.

28 (e) Signatures withdrawn pursuant to section ~~1-261~~ 19-113.

29 4. After the removal of petition sheets and signatures, count the
30 number of signatures for verification on the remaining petition sheets and
31 note that number in the upper right-hand corner of the face of each petition
32 sheet immediately above the county designation.

33 5. Number the remaining petition sheets that were not previously
34 removed and that contain signatures eligible for verification in consecutive
35 order on the front side of each petition sheet in the upper left-hand corner.

36 6. Count all remaining petition sheets and signatures not previously
37 removed and issue a receipt to the applicant of this total number eligible
38 for verification.

39 B. If the total number of signatures for verification as determined
40 pursuant to subsection A, paragraph 6 of this section equals or exceeds the
41 constitutional minimum, the secretary of state, during the same fifteen day
42 period provided in subsection A of this section, shall select, at random,
43 five per cent of the total signatures eligible for verification by the county
44 recorders of the counties in which the persons signing the petition claim to
45 be qualified electors. The random sample of signatures to be verified shall

1 be drawn in such a manner that every signature eligible for verification has
2 an equal chance of being included in the sample. The random sample produced
3 shall identify each signature selected by petition page and line number. The
4 signatures selected shall be marked according to the following procedure:

5 1. Using red ink, mark the selected signature by circling the line
6 number and drawing a line from the base of the circle extending into the left
7 margin.

8 2. If a signature line selected for the random sample is found to be
9 blank or was removed from the verification process pursuant to subsection A
10 of this section and is marked with an "SS", then the next line down, even if
11 that requires going to the next petition sheet in sequence, on which an
12 eligible signature appears shall be selected as a substitute if that line has
13 not already been selected for the random sample. If the next eligible line
14 is already being used in the random sample, the secretary of state shall
15 proceed back up the page from the signature line originally selected for the
16 random sample to the next previous signature line eligible for verification.
17 If that line is already being used in the random sample, the secretary of
18 state shall continue moving down the page or to the next page from the line
19 originally selected for the random sample and shall select the next eligible
20 signature as its substitute for the random sample. The secretary of state
21 shall use this process of alternately moving forward and backward until a
22 signature eligible for verification and not already included in the random
23 sample can be selected and substituted.

24 C. After the selection of the random sample and the marking of the
25 signatures selected on the original petition sheets pursuant to subsection B
26 of this section, the secretary of state shall reproduce a facsimile of the
27 front of each signature sheet on which a signature included in the random
28 sample appears. The secretary of state shall clearly identify those
29 signatures marked for verification by color highlighting or other similar
30 method and shall transmit by personal delivery or certified mail to each
31 county recorder a facsimile sheet of each signature sheet on which a
32 signature appears of any individual claiming to be a qualified elector of
33 that county AND whose signature was selected for verification as part of the
34 random sample.

35 D. The secretary of state shall retain in custody all signature sheets
36 removed pursuant to this section except as otherwise prescribed in this
37 title.

38 Sec. 28. Section 48-4433, Arizona Revised Statutes, is amended to
39 read:

40 48-4433. District elections; nominating petitions

41 A. A candidate for election to the board as a division director shall
42 be nominated by a petition that is signed by at least five hundred qualified
43 electors of the division in which the candidate resides and that is filed as
44 prescribed by title 16, chapter 3.

1 B. If a division is located wholly in one county, the nominating
2 petition shall be filed with the clerk of the board of supervisors or the
3 elections officer of that county as prescribed by title 16, chapter 3.

4 C. If a division is located in two or more counties, the nominating
5 petition shall be filed AS PRESCRIBED BY TITLE 16, CHAPTER 3, with the
6 ~~secretary of state as prescribed by title 16, chapter 3~~ COUNTY ELECTION
7 OFFICER OF THE COUNTY WITH THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE
8 DISTRICT. The ~~secretary of state~~ COUNTY ELECTION OFFICER shall immediately
9 notify the boards of supervisors of each county included in the division.
10 The board of supervisors so notified shall provide for the manner of voting
11 and conduct of the election as provided for in subsection D of this section.

12 D. The names of the candidates for election to the board as division
13 directors shall be included on the general election ballot of the division in
14 which the candidate resides, without party designation. The manner of voting
15 and conducting the election for the division directors shall conform to the
16 provisions of law relating to the general election of county officers.

17 E. The procedures for nomination and election of at large directors
18 shall be established by the board by rule adopted within sixty days after the
19 appointment of the initial board subject to the following:

20 1. Only district members are eligible to vote for at large directors.

21 2. Each district member is entitled to cast three votes for each
22 acre-foot of replenishment obligation as computed for that district member
23 pursuant to section 48-4463 during the four years preceding the election. In
24 the initial election of at large directors, each district member is entitled
25 to cast three votes for each acre-foot of the replenishment obligation that
26 would have been computed if the district had existed for the entire period
27 between January 1 of the fourth year preceding the calendar year in which the
28 district is established and December 31 of the year preceding the year in
29 which the election takes place.

30 3. Each district member may cast its votes as computed under paragraph
31 2 for three different candidates, may cumulate its votes for one candidate or
32 may distribute its votes in any combination among three or fewer candidates.

33 4. The three candidates who receive the most votes shall serve as at
34 large directors for the district for the prescribed term of office.

35 F. Title 16, chapter 2, article 3 does not apply to any election held
36 pursuant to this chapter.

37 G. All expenses for the election of division directors incurred
38 pursuant to this section are the responsibility of the county or counties
39 involved. If a division is located in two or more counties, election
40 expenses for that division shall be shared proportionally based on the number
41 of qualified electors of each county that are residents of the division. All
42 expenses for the election of at large directors are the responsibility of the
43 district.

1 H. Candidates for election to the board and their campaign committees
2 shall register with and report to the secretary of state and otherwise comply
3 with the requirements of title 16, chapter 6 regarding elections under this
4 section.

5 Sec. 29. Section 48-4832, Arizona Revised Statutes, is amended to
6 read:

7 48-4832. Elections; nominating petitions

8 A. A candidate for election to the permanent board as a division
9 director shall be nominated by a petition signed by at least one hundred
10 fifty qualified electors of the division in which the candidate resides. A
11 candidate for election to the permanent board as an at large county director
12 shall be nominated by a petition signed by at least one hundred fifty
13 qualified electors of that portion of the county that is within the district.

14 B. If a division is located wholly in one county and for the at large
15 board position for that county, the nominating petition shall be filed with
16 the clerk of the board of supervisors or the elections officer of that county
17 as prescribed by title 16, chapter 3.

18 C. If a division is located in two or more counties, the nominating
19 petition shall be filed AS PRESCRIBED BY TITLE 16, CHAPTER 3, with the
20 ~~secretary of state as prescribed by title 16, chapter 3~~ COUNTY ELECTIONS
21 OFFICER FOR THE COUNTY WITH THE HIGHEST NUMBER OF REGISTERED VOTERS WITHIN
22 THE DISTRICT. The ~~secretary of state~~ COUNTY ELECTION OFFICER shall
23 immediately notify the board of supervisors of each county included in the
24 division. Each board of supervisors so notified shall provide for the manner
25 of voting and conduct of the election as provided for in subsection D.

26 D. The names of the candidates for election to the permanent board
27 shall be included on the election ballot of the division in which the
28 candidate resides, or on the election ballot for that portion of the county
29 that is within the district, as appropriate, without party designation. The
30 manner of voting and conducting the election for the directors shall conform
31 to the provisions of law relating to the general election of county officers
32 including compliance with any applicable federal voting laws.

33 E. Title 16, chapter 2, article 3 does not apply to any election held
34 pursuant to this section.

35 F. All expenses for the election of members of the permanent board
36 incurred pursuant to this section are the responsibility of the county or
37 counties involved. If a division is located in two or more counties,
38 election expenses for that division shall be shared proportionately based on
39 the number of qualified electors of each county who are residents of the
40 division.

1 G. Candidates for the permanent board and their campaign committees
2 shall register with and report to the secretary of state and otherwise comply
3 with the requirements of title 16, chapter 6, regarding elections under this
4 section.

5 Sec. 30. Emergency

6 This act is an emergency measure that is necessary to preserve the
7 public peace, health or safety and is operative immediately as provided by
8 law.

APPROVED BY THE GOVERNOR JUNE 19, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 19, 2008.